

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY BRYAN BROOKS,

Petitioner,

No. CIV S-03-1860 FCD PAN P

vs.

KATHY PROSPER, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On July 27, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 27, 2006, are adopted in full;
2. Petitioner's December 23, 2005, motion for a writ of error coram nobis is construed as a motion for leave to amend the petition and, so construed, is denied;
3. Petitioner's June 1, 2006, motion for summary judgment is denied;
4. Petitioner's June 12, 2006, request for immediate release is denied;
5. Petitioner's June 12, 2006, motion pursuant to Rule 8 is denied; and
6. Petitioner's application for a writ of habeas corpus is denied.

DATED: September 11, 2006

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge